



1 express or implied, of the Board's statutory authority or jurisdiction regarding any other  
2 pending or future investigation, action or proceeding. The acceptance of this Consent  
3 Agreement does not preclude any other agency, subdivision or officer of this State from  
4 instituting other civil or criminal proceedings with respect to the conduct that is the subject  
5 of this Consent Agreement.

6 6. All admissions made by Respondent are solely for final disposition of this  
7 matter and any subsequent related administrative proceedings or civil litigation involving  
8 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
9 or made for any other use, such as in the context of another state or federal government  
10 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
11 any other state or federal court.

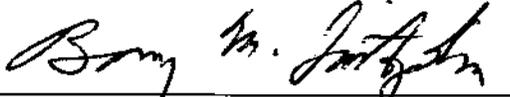
12 7. Upon signing this agreement, and returning this document (or a copy thereof) to  
13 the Board's Executive Director, Respondent may not revoke the acceptance of the  
14 Consent Agreement. Respondent may not make any modifications to the document. Any  
15 modifications to this original document are ineffective and void unless mutually approved  
16 by the parties.

17 8. If the Board does not adopt this Consent Agreement, Respondent will not  
18 assert as a defense that the Board's consideration of this Consent Agreement constitutes  
19 bias, prejudice, prejudgment or other similar defense.

20 9. This Consent Agreement, once approved and signed, is a public record that will  
21 be publicly disseminated as a formal action of the Board and will be reported to the  
22 National Practitioner Data Bank and to the Arizona Medical Board's website.

23 10. If any part of the Consent Agreement is later declared void or otherwise  
24 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force  
25 and effect.

1           11. Any violation of this Consent Agreement constitutes unprofessional conduct  
2 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) (“[v]iolating a formal order,  
3 probation, consent agreement or stipulation issued or entered into by the board or its  
4 executive director under this chapter”) and 32-1451.

5  
6  
7 

8 BARRY M. LITTLEJOHN, M.D.

DATED: 6/10/09

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of  
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 37577 for the practice of  
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-08-1337A after receiving notification  
7 that Respondent entered into a Consent Order for a Reprimand and was assessed a fine  
8 by the Illinois Medical Board on April 23, 2008 for failing to perform a planned tubal ligation  
9 on a patient after performing a successful cesarean section (C-section) delivery.

10 4. Specifically, the patient was admitted at 39 weeks gestation and a history of  
11 hypertension for an elective repeat C-section and bilateral tubal ligation. Subsequently,  
12 Respondent performed the C-section, but did not perform the tubal ligation. Respondent  
13 was apprised of this once the patient was in the recovery room. In response to the Board's  
14 investigation, Respondent admitted to failing to perform the tubal ligation. The Illinois  
15 Consent Order for Reprimand is incorporated as referenced.

16 5. The standard of care when performing an elective C-section and the patient  
17 desires a tubal ligation is to schedule and complete both procedures at the same time.

18 6. Respondent deviated from the standard of care because he did not complete  
19 the tubal ligation at the time of the C-section.

20 7. The patient would need to find some other form of contraception or undergo  
21 a separate surgical procedure to have the tubal ligation completed and considering that  
22 the patient has hypertension, she would be limited to her choices of contraception since  
23 oral contraceptives would not be recommended. There are risks of surgery if the patient  
24 elected to have the tubal ligation completed as a separate procedure.  
25

1 **CONCLUSIONS OF LAW**

2 1. The Board possesses jurisdiction over the subject matter hereof and over  
3 Respondent.

4 2. The conduct and circumstances described above constitute unprofessional  
5 conduct pursuant to A.R.S. §32-1401(27)(o) (“[a]ction that is taken against a doctor of  
6 medicine by another licensing or regulatory jurisdiction due to that doctor’s mental or  
7 physical inability to engage safely in the practice of medicine, the doctor’s medial  
8 incompetence or for unprofessional conduct as defined by that jurisdiction and that  
9 corresponds directly or indirectly to an act of unprofessional conduct prescribed by this  
10 paragraph. The action taken may include refusing, denying, revoking or suspending a  
11 license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise  
12 limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on  
13 probation by that jurisdiction.”). The corresponding act of unprofessional conduct is in  
14 A.R.S. § 32-1401(27)(q) (“[a]ny conduct or practice that is or might be harmful or  
15 dangerous to the health of the patient or the public.”). Additionally, the conduct and  
16 circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-  
17 1401(27)(q) (“[a]ny conduct or practice that is or might be harmful or dangerous to the  
18 health of the patient or the public.”).

19 **ORDER**

20 IT IS HEREBY ORDERED THAT:

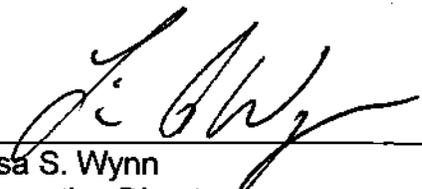
- 21 1. Respondent is issued a Letter of Reprimand.  
22 2. This Order is the final disposition of case number MD-08-1337A.

23 DATED AND EFFECTIVE this 5<sup>TH</sup> day of AUGUST, 2009.  
24  
25



ARIZONA MEDICAL BOARD

By

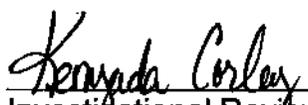
  
\_\_\_\_\_  
Lisa S. Wynn  
Executive Director

1  
2  
3  
4  
5 ORIGINAL of the foregoing filed  
6 this 6 day of August, 2009 with:

7 Arizona Medical Board  
8 9545 E. Doubletree Ranch Road  
9 Scottsdale, AZ 85258

9 EXECUTED COPY of the foregoing mailed  
10 this 6 day of August, 2009 to:

11 Barry M. Littlejohn, M.D.  
12 Address of Record

13   
14 \_\_\_\_\_  
15 Investigational Review  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



The allegation(s), as set forth herein, if proven to be true would constitute grounds for suspending or revoking Respondent's license as a Physician and Surgeon, on the authority of Illinois Compiled Statutes (1996), Chapter 225, Section 60/22 (A), paragraph(s) (4) and (5).

As a result of these allegation(s), the Department held an Informal Conference at the Office of the Department, 100 West Randolph Street, Suite 9-300, Chicago, Illinois 60601 on August 1, 2007. Respondent appeared in person with James Pittacora, an attorney on that date. Dr. Maria LaPorta, M.D. appeared as a member of the Medical Disciplinary Board of the State of Illinois and Jaroslaw Kosacz appeared as an attorney for the Department.

Respondent has been advised of the right to have the pending allegation(s) reduced to written charges, the right to a hearing, the right to contest any charges brought, and the right to administrative review of any Order resulting from a hearing. Respondent knowingly waives each of these rights, as well as any right to administrative review of this Consent Order.

After a complete review of the records and thorough questioning of the Respondent, it was ascertained that Respondent failed to perform the planned tubal ligation. The Respondent, recognizing the failure to perform the planned tubal ligation post-op immediately notified the patient and her husband. Respondent has since made corrective changes in his practice and Respondent has no prior disciplinary history.

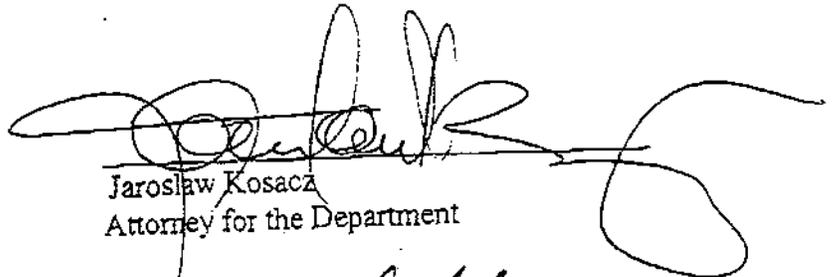
Respondent admits the allegations for settlement purposes only.



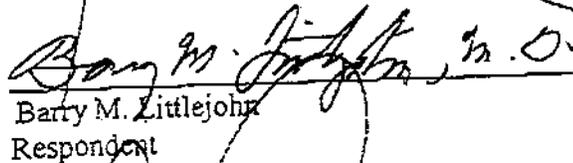
E. This Consent Order shall be effective immediately after it is approved by the Director of the Department.

DEPARTMENT OF FINANCIAL AND  
PROFESSIONAL REGULATION  
of the State of Illinois

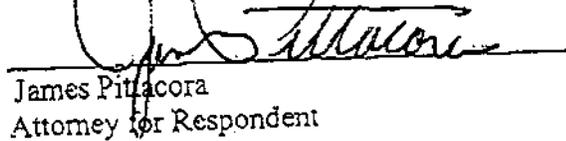
2/21/08  
DATE

  
Jaroslaw Kosacz  
Attorney for the Department

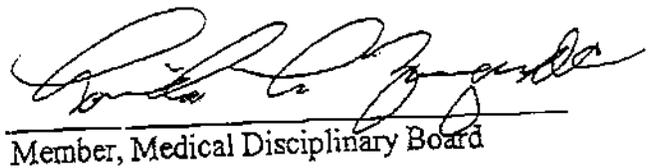
\_\_\_\_\_  
DATE

  
Barry M. Littlejohn, M.D.  
Respondent

\_\_\_\_\_  
DATE

  
James Pittacora  
Attorney for Respondent

6/19/08  
DATE

  
Member, Medical Disciplinary Board

The foregoing Consent Order is approved in full.

DATED THIS 23<sup>rd</sup> day of April, 2008.

DEPARTMENT OF FINANCIAL AND  
PROFESSIONAL REGULATION  
of the State of Illinois  
DEAN MARTINEZ, SECRETARY

DIVISION OF PROFESSIONAL REGULATION

  
DANIEL E. BLUTHARDT  
DIRECTOR

REF: License No. 036071363  
Case No. 200612981